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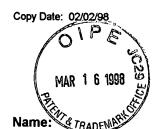
Transmitted herewith is Exhibit A, an abbreviated curriculum vitae of Joseph Bonaventura, Ph.D., inadvertently omitted from the package containing a Supplemental Reply and a Declaration of Joseph Bonaventura, Ph.D. Under 37 C.F.R. § 1.132, which was mailed to the United States Patent and Trademark Office on March 12, 1998.

Respectfully submitted,

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Lexington, MA 02173 Dated: Murch 13, 1998



JOSEPH BONAVENTURA

CURRICULUM VITAE

Joseph Bonaventura, Ph.D.

Primary academic appointment:

Nicholas School of the Environment

Secondary academic appointment:
Present academic rank and title:

Department of Cell Biology, Duke Univ. Medical School

Professor of Cell Biology

Date and rank of first Duke faculty appointment:

1972 - Associate

Social Security Number:

566-58-6023

Date of birth: Place of birth: Citizenship: February 15, 1942 Oakland, California United States

Education:

1964 B.A., San Diego State College, California
 1968 Ph.D., University of Texas, Austin, Texas

NIH Postdoctoral Fellow, California Institute of Technology
EMBO Course on Relaxation Kinetics, Stockheim, Germany
American Cancer Society Postdoctoral Fellow, Rome, Italy

1972 EMBO Postdoctoral Fellow, Rome, Italy

Scholarly Societies:

American Association for the Advancement of Science
American Chemical Society
American Society of Biological Chemists
American Society of Zoologists
Basic Sciences Council of the American Heart Association
Biophysical Society
British Society of Chemical Industry
Sigma XI

Professional academic career:

1972-75 Associate (=Instructor), Department of Biochemistry, Duke University Medical Center

and Duke University Marine Laboratory, Beaufort, North Carolina

1975-80 Established Investigator of the American Heart Association

1975-84 Assistant Medical Research Professor of Biochemistry, Duke University Medical Center

and Duke University Marine Laboratory, Beaufort, North Carolina

1977- Editorial Board Member of HEMOGLOBIN, International Journal for Hemoglobin

Research

1978-1994 Director, Duke University Marine Biomedical Center

1980- Advisory Board of MOLECULAR PHYSIOLOGY

1980-84 Science Advisory Board of National Public Radio

EXHIBIT

Professi nal academic career cont.:

1984-88	Associate Professor, Department of Physiology, Duke University Medical Center and Duke University Marine Laboratory, Beaufort, North Carolina
1984-	Toxicology Executive Committee, Duke University
1984-	Assistant Director for Marine Biomedical Programs, Duke University Marine Laboratory
1985-	Board of Directors, North Carolina Biotechnology Center
1988-90	Associate Professor, Department of Cell Biology, Duke University Medical Center and Duke University Marine Laboratory, Beaufort, North Carolina
1990-	Professor, Department of Cell Biology, Duke University Medical Center and Duke University Marine Laboratory, Beaufort, North Carolina

1. Refereed Journals and Chapt rs in B oks

1967

Bonaventura, J., and A. Riggs. Polymerization of hemoglobins of mouse and man: structural basis. *Science*, 158:800-802.

1968

Bonaventura, J. and A. Riggs. Hemoglobin Kansas, a human hemoglobin with a neutral amino acid substitution and an abnormal oxygen equilibrium. *J. Biol. Chem.*, 243:980-991.

1969

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1972

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1973

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1979

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- Bonaventura, J., M. Brunori, M.T. Wilson, J. Martin, R.E. Garlick and J. Davis. Properties of hemocyanins isolated from Amazon River arthropods and molluscs. *Comp. Biochem. Physiol.*, 62A:251-256. (Also published in Portuguese in *Supl. Acta Amazonica* 8(4):337-345.
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1980

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4. a. Pat nts

U.S. Patent No. 4,340,587: (Issued 7/20/82)

Repellant Composition and Method of Use.

U.S. Patent No. 4,343,715: (Issued 8/10/82)

Immobilized Hemoglobin, and Processes for Extracting Oxygen from Fluids Using the Same.

U.S. Patent No. 4,427,416: (Issued 1/24/84)

Processes for Extracting Oxygen from Fluids Using Immobilized Hemoglobin.

U.S. Patent No. 4,490,360: (Issued 12/25/84)

Firefly Derived Repellant Compositions and Methods of Use.

U.S. Patent No. 4,602,987: (Issued 7/29/86)

System for the Extraction and Utilization of Oxygen From Fluids.

U.S. Patent No. 4,609,383: (Issued 9/2/86); and

Apparatus and Method for Extracting Oxygen from Fluids.

European Patent No. 92202007.8 (Issued 8/25/92)

U.S. Patent No. 4,629,544 (Issued 12-16-86)

Apparatus and Method for Reversibly Removing Ligands from Carriers.

U.S. Patent No. 4,704,286: (Issued 11/3/87)

Gustatory Additive for Fishing Lures.

U.S. Patent No. 4,751,068: (Issued 6/14/88)

A Method for Catalyzing Oxidation/ Reduction Reactions of Simple Molecules.

U.S. Patent No. 4,761,209 (Issued 08/02/88)

System for the Extraction and Utilization of Oxygen from Fluids

U.S. Patent No. 5,082,642 (Issued 01/21/92)

Method for Catalyzing Oxidation/Reduction Reactions of Simple Molecules.

U.S. Patent No. 5,252,630: (Issued 10/12/93)

Antifouling Coating and Method for Using Same.

U.S. Patent No. 5,296,466 (Issued 03/22/94)

Inhibition of Nitric Oxide-mediated Hypotension and Septic Shock with Iron-containing Hemoprotein.

U.S. Patent No. 5,314,932 (Issued 05/24/94)

Antifouling Coating and Method for Using Same.

U.S. Patent No. 5,334,705 (Issued 08/02/94)

Benzenetricarboxylate Derivative-crosslinked Low Oxygen Affinity Hemoglobin.

U.S. Patent No. 5,349,054 (Issued 09/02/94) Activated Benzenepentacarboxylate-crosslinked Low Oxygen Affinity Hemoglobin.

U.S. Patent No. 5,480,866 (Issued 02/02/96)

Hemoproteins for Inhibition of Nitric Oxide-mediated Hypotension and Septic Shock.

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February 17, 1998

PATENT APPLICATION DOCKET NO.: DUK96-03pA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jonathan S. Stamler

Serial No.:

08/616,371

Group Art Unit: 1811

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March 15, 1996

Examiner: B. Celsa

For:

METHODS FOR PRODUCING AND USING S-NITROSOHEMOGLOBINS

Patents, Washington, D.C. 202 on 3/12/98	Ente Hecken		
Danc	Signature		
Anita Heckman			
Typed or printed name of person signing certificate			

DECLARATION OF JOSEPH BONAVENTURA, Ph.D., UNDER 37 C.F.R. 5 1,132

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

- I, Joseph Bonaventura, Ph.D., of Durham, North Carolina, hereby state that.
- 1. I am a Professor in the Nicholas School of the Environment and the Department of Cell Biology at Duke University Medical School. I have held academic appointments at Duke University since 1972. A somewhat abbreviated copy of my curriculum vitae is artached to this Declaration as Exhibit A.
- I am the author of over frighty beforeed journal articles on various aspects of research specifically on hemoglobin proteins.

I have also studied extensively other heme proteins with structures and functions related to those of hemoglobin. My more recent publications include articles describing the synthesis and properties of S-nitroschemoglobins (SNO hemoglobins).

- 2. I have studied Example 19 (pages 58-59) and Figures 28-30 of the published PCT application, International Publication Number WO 93/09806. Example 19 is entitled "S Nitrosylation of Hemoglobin Increases Hemoglobin Oxygen Binding."
- The first paragraph on page 58 is particularly confusing because of a readent missing from the procedure. According to page 58, line 5 of WO 93/09806, 12.5 µM hemoglobin was reacted, but it is not given in the Example with what reagent hemoglobin is reacted. According to the letter of the method, the hemoglobin just reacted -- maybe with itself? Alternatively, the description might be indicating that the reaction of hemoglobin occurred with the buffer. However, no buffer is given.

If one assumes that the reagent intended to have been inserted on page 58, line 5 in SNOAc (as described below in the Example for a separate set of experiments whose results are indicated as being shown in Figure 29) at the concentrations and conditions given on page 58, lines 4-6, SNO hemoglobin would not be made. Further, the synthesis of SNO-hemoglobin could not be assessed as described. The standard Saville method, as it is described as being used to characterize the results of the "synthesis" process, would only be able to measure concentrations of the reagent SNOAc (S nitroso N acetylcysteine), and not hemoglobin.

Figure 28 is uninterpretable as presented. The abscissa and ordinate are not labeled. It is impossible to tell what was plotted and what the plot is a function of. I can assume that it is SNOAC, because the spectrum is definitely not recognizable as that of hemoglobin or SNO-hemoglobin. If the spectrum were that of SNO-hemoglobin, it would have a very different appearance in

the region of absorbance of light of wavelength 500-600 nm. (Here, I have added the nm units on an assumption based on my inspection of Figure 29.)

- 4. Figure 29 shows a spectral progression of oxy-hemoglobin to met hemoglobin. Thus, it is incorrect to assert, as the text of Example 19 does, that SNOAc does not react in a redox reaction with the metal centers of hemoglobin. Figure 29 shows quite the contrary. Moreover, based on what is given in Example 19, I have no way to assess whether the spectra result from pure hemoglobin alone or some mixture of SNO hemoglobin with something else, or some entirely different alternative. I interpret the spectra as showing that oxy-hemoglobin is being converted to met-hemoglobin.
- 5. In a further point of confusion, I find the title of Example 19 to be very misleading. It is not explained what is meant by "increases exygen binding." Is it meant that more exygen molecules bind per hemoglobin molecule? Is it meant that the affinity of hemoglobin for exygen somehow increases? Nothing is written or shown in Example 19 that is relevant to exygen binding.
- Example 19 of PCT application WO 93/09806 describes a putative method for preparing SNO-hemoglobin. At face value the description of the procedure is, at best, difficult to follow. Example 19 does not describe a method that I would be able to follow to successfully synthesize SNO-hemoglobin. In my opinion, no one skilled in the art and science of hemoglobin chemistry would be able to synthesize SNO-hemoglobin based on the description and instructions provided. The points outlined above are hardly the only points that make the description inadequate.
- 7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these

statements are made with the knowledge that willful talse statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

ਕਰਨਰੂਸ਼ੇ Ronaventura, Ph.D.

11 Marh, 1998

Date